

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HARVEY SMITH,

Plaintiff,

Case No: 1:16-cv-102

v.

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER

This is a social security action filed pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3). Defendant filed a Motion to Dismiss (Dkt 8). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on June 25, 2016, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

In addition, Plaintiff is proceeding *in forma pauperis*, and this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See Smith v. Comm'r of Soc. Sec.*, 1999 WL 1336109 at *2 (6th Cir., Dec. 20, 1999); *Comm'r of Soc. Sec.*, 2015 WL 731311 at *2 (N.D. Ohio, Feb. 19, 2015); 28 U.S.C. § 1915(a)(3). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 12) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Dkt 8) is GRANTED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C. § 1915(a) that

an appeal of the decision would not be taken in good faith.

A Judgment will be entered consistent with this Order.

Dated: July 13, 2016

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge